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Attorneys for Plaintiff, KENT WARD

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

KENT WARD,)	Case No. CV 09-04565 RS
)	
Plaintiff,)	STIPULATION AND [PROPOSED
)	ORDER] FOR SECOND EXTENSION OF
v.)	DISCOVERY AND MEDIATION
)	DEADLINES AND TO RESCHEDULE
EQUILON ENTERPRISES, LLC, SHELL OIL)	FURTHER CASE MANAGEMENT
PRODUCTS COMPANY LLC AND DOES 1)	CONFERENCE
TO 50, inclusive,)	
)	[Civ. L.R. 6-1(b) 6-2]
Defendants.)	
)	Trial Date: None

Pursuant to Civil Local Rule 6-1(b) and 6-2 of the United States District Court for the Northern District of California, it is hereby stipulated by and between Plaintiff Kent Ward and Defendants Equilon Enterprises, LLC ("Equilon") and Shell Oil Products Company LLC ("Shell"), by and through their respective counsel of record, as follows:

1) All discovery and expert discovery deadlines set forth in this Court's April 8, 2010 Case Management Scheduling Order and originally extended for a period of 90 (ninety) days per this Court's October 8, 2010 Stipulation and Order to Extend Discovery and Mediation Deadlines and to Reschedule Further Case Management Conference be extended another approximately 45 (forty five) days from the current deadlines stated in the October 8, 2010 Order, as follows:

- a) On or before April 1, 2011, all non-expert discovery shall be completed;
- b) On or before April 15, 2011, plaintiff shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2);
- c) On or before April 29, 2011, defendants shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2);
- d) On or before May 13, 2011, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

2) The current mediation deadline shall be extended by 45 days.

3) The April 14, 2011 Further Case Management Conference shall be rescheduled for May 26, 2011 at 10:00 a.m., or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable Richard Seeborg, Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California. The parties shall file a Joint Case Management Statement on or before May 19, 2011.

The reason for this Stipulation is that the parties encountered difficulty scheduling the mediation during the holidays. In addition, at a deposition conducted on October 6, 2010, a dispute arose between the parties concerning the application of the attorney-client privilege and attorney work product doctrine to an investigation that was conducted after the subject incident. This motion was taken off calendar upon the assignment of all discovery proceedings in this case to a Magistrate Judge. The parties learned on January 11, 2011 that Magistrate Judge James Larsen was assigned to handle this motion, and Magistrate Judge Larsen's first availability for hearing in late February or early March, 2011. As such, the parties desire to have that motion decided before completing the remaining depositions.

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1 This is the second stipulated time modification in this case, as set forth above. No trial
2 date has been set, so this extension will not require that a trial date be rescheduled, but it will
3 require that the Further Case Management Conference currently set for April 14, 2011 be
4 rescheduled.

5 IT IS SO STIPULATED.

6 Date: January 19, 2011

DAVIS WRIGHT TREMAINE LLP

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8 By: /s/ Joseph E. Addiego III
JOSEPH E. ADDIEGO III

9 Attorneys for Defendants EQUILON ENTERPRISES LLC,
10 and SHELL OIL PRODUCTS COMPANY LLC

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13 IT IS SO STIPULATED

14 Date: January 19, 2011

JONES, CLIFFORD, JOHNSON, DEHNER, WONG,
15 MORRISON, SHEPPARD & BELL, LLP

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17 By: /s/ Steger P. Johnson
STEGER P. JOHNSON

18 Attorneys for Plaintiff KENT WARD
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DAVIS WRIGHT TREMAINE LLP

ORDER

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

IT IS FURTHER ORDERED that the April 14, 2011 Further Case Management Conference shall be rescheduled to May 26, 2011. The parties shall file a Joint Case Management Statement on or before May 19, 2011.

DATED: January 20, 2011.



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE

DAVIS WRIGHT TREMAINE LLP